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1952.

O. Mamlatdars' Courts

File No. /52

Legal Deptt.

A **BRANCH** P 2(E)

Subject:—Opinions under the Mamlatdars' Courts Act, 1906.

File No. O. Mamlatdars' Courts/52.

Gen. 194 e.

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C O N T E N T S.

Legal Department No. O.Mamlatdar's Courts/52.

Sr. No.	R.I./	O.No.	Subject	pages
			Opinions under the Mamlatdars's Courts Act, 1906.	
1.		~~15467/A 20-9-52~~	Whether the an adjourment costs costs can be awarded irrespective of the decision of the suit under section 19 Sub-section(4).	

M.R.D.
~~19-6-56~~
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Office of the R.L.A.

Under section 72 of the Bombay Tenancy and Agriculrural Lands Act the Mamlatdar has to follow the procedufe and to exercise the powers of the Mamlatdars Court that are laid down in in the Mamlatdars' Courts Act. Under section 19, sub-section (4) of the Mamlatdars' Courts Act, the costs of the suit including the costs of the execution shall follow the decision. The question raised for the R.L.A.'s consideration is whether an adjornment cost can be awarded irrespective of the decision of the suit under section 19, sub-section(4).

"Costs shall follow the events or the decision", means that the successful party is entitiled to costs unless he is guilty of misconduct or there is some other good cuase for not awarding costs to him". Ghanshyam v. Moroba, 18 Bom.404. Consequently, the costs that can be awarded under section 19, sub-section(4) would not include ~~include~~ costs of adjornment irrespective of the decision of the suit. Under order XVII, Rule 1 sub-rule(2) of the Civil Procedure Code express provision has been made to award costs of adjornment. Consequently, a similar provision would be necessary in the Mamlatdars' Courts Act if power is to be given to the Mamlatdar to award costs of an adjornment irrespective of the decision of the suit.

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18-9

Remembrancer of Legal Affairs.

U.R.to R.D.No. Ne 15467/A dated the 20th September 1952.

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19-6-56
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